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SMALL COUNCILS AND CABINETS IN ENGLAND

In England during the War of the Spanish Succession there was a small, secret, and powerful council, the "Defense Committee" of 1702. Bolingbroke has mentioned it, and some students have seen the scanty record which remains in Nottingham's intricate scrawl. Not much is known except that it was a body of six or more, and that in the early years of the conflict its members, who were the principal politicians and those who directed the army and navy, seem to have presided over England's part in the struggle in which Europe was engaged. The conciliar assembly of the kingdom then, the privy council, had become large and of little effect, and smaller bodies, the cabinet and the committee of council, were efficient and powerful, but only beginning to be clearly defined.

Two centuries passed, and with heavy heart Britain entered upon the greatest of her trials. By this time the power of the king, privy council, and parliament had come into keeping of the cabinet, which contained now a score of members. At first this large executive assembly undertook the direction of things; then a "War Committee" of seven was formed within it. But the awful stress continued, this device also was given over, and in December, 1916, a cabinet of twenty-three was abandoned, and a "War Cabinet" of five established, with a ministry of twenty-eight in addition. The cabinet had not, I think, been smaller since the days when it first appeared. Certainly the incident has parallel. The history of English executive government in the past three hundred years is a long record of the expansion of councils until they are superseded by smaller ones, in some way brought forth from themselves.

I.

As governance developed a long while ago, management of affairs, under the king, came into possession of a small number of advisers and assistants: the king's council of the Middle Ages and the later privy council of the Tudors. Under Henry VIII and his children, when the power of parliament was not yet fully

developed and its functions were still in dispute, the council was the most important organ of government in the realm. For the time of Elizabeth it has been well said that although the will of the sovereign was supreme in all matters not clearly legislative or strictly judicial, yet in ordinary work participation was slight, so that the council performed most of the actual administrative tasks. It is the conclusion of eminent writers that few governmental bodies ever exercised more constant and comprehensive power than this group of officials at their table.

In the succeeding period the preëminence of the privy council continued as of course. It worked for James Stuart, was censured in the remonstrances of parliament, and fell into abeyance with the execution of Charles at Whitehall. But a few members accompanied the wanderings of his son abroad, and returned at the Restoration to establish their assembly again in its former dignity and splendor.

There were about twenty in the council of Elizabeth. The number tended to increase. In 1660 there were twenty-seven; within a few years, forty-six. Clarendon says that he remonstrated with the king, "That there were at present too many . . . and the number lessened the dignity of the relation." Pepys thought much the same; but in 1675 the membership was fifty, near which it remained during the rest of the century, except for a temporary reduction to thirty or more in 1679. Sometimes Anne had seventy councillors, and under the Hanoverians the number was seldom much smaller.

It was realized that the body tended to become too large, and that many of the members cared little for their tasks or were of little use when they attended. Often there were regular meetings twice a week, with many extraordinary gatherings, and assembling of committees, so that the labor, if distasteful, must have been very onerous. The Earl of Anglesey did little but attend to such business. Usually fewer than half the members were present at a meeting, and often not as many as a third. During one of the years of Anne, when the council contained more than sixty, twenty members never attended, and more than half of them came to one meeting in five. Sometimes the king or his officials would remonstrate, but no real amendment

followed. "Twice has the Council been summoned," runs a letter of 1719, "and could not sit for want of the Attendance of six of the Privy council to make a Quorum."

Even more the sovereign was troubled with the impossibility of having a large number, including the less responsible, the careless, and the ill-formed, transact important business with decision and dispatch, and also at the difficulty of maintaining secrecy about matters of state. In his own day Francis Bacon says that councils in most places were familiar meetings, where matters were rather talked on than debated. Pepys had small difficulty in learning of business transacted; and Charles II, complaining of the ill service done him in repeating abroad the very words of the councillors, alleged this as an excuse for failing to consult them at all.

The privy council long continued to retain the appearance of importance and state. The observant Halifax records in his journal that William had a wrong notion of it, and thought that the administration was to reside there. "For the Civil Government, the Council is the soul of all," said a member of the commons in 1692. In *Angliæ Notitia* of Edward Chamberlayne for 1679, it is the watch-tower of the nation, and he describes it before parliament; while *Magnæ Britanniae Notitia* of the middle of the eighteenth century calls it "The *Primum Mobile* of the Civil Government of *England*, from whence all the inferior Orbs derive their Motion." Nevertheless it was gradually evident to those well informed that other bodies, much smaller, were usurping its prerogative and power, so that a distinction comes to be made. "The Duke of York is declared of the great council, commonly called the privy council," writes Reresby in 1684. So Bolingbroke called it in the days of his authority; about the same time Earl Cowper described it as a "General Council"; and a "Grand Council" is mentioned in a newspaper at the time when Excise failed.

II.

From the days of the Tudors, kings attempting to create more effective administration had, along with their privy council, made use of parts or committees thereof. In origin, committee means no more than men or a group of men to whom something is

committed to be done; and the purpose of such bodies, the doing of particular work by those most trusted and those best fitted to undertake it, must have been obvious then as now. It is evident, however, that where the task was very important and the personnel of the greatest and most influential, the power of the committee would increase exceedingly, and arouse envy in some, and suspicion and distrust in more. Nor were *arcana imperii* always entrusted to a committee of the council. Not to speak of the favorites of James and of Charles, the Stuarts had recourse to chosen bodies, whose members, working in secret, acted not as a part of the council but as a select group of the monarch's friends and advisers. Such things had been done abroad, and there as in England men spoke darkly of the council which met in the cabinet or room of the lord. Raleigh wrote a treatise, *The Cabinet-Council*. "Note also," he said, "that in every state of what quality soever, a secret or cabinet-council is mainly necessary." And Massinger in his *Maid of Honour* distinguishes clearly between cabinet and council of state. There was a natural tendency to confuse such informal bodies with actual committees of the privy council. Those who have scanned the pages of Clarendon may recall that he speaks of that committee of the council which used to be consulted in secret affairs and of the committee of state which was enviously called the "Cabinet Council."

Parliamentarians complained of this concentration of power in a small body hid behind the larger, and in the year, perhaps, when Charles I was sent to the block, a writer protested that the sense of state once contracted into a privy council was contracted again into a cabinet, and even into a favorite or two, which brought both public and kings into "extreme *praecipices*." But the tendency was irresistible, and from the time of the Restoration continued apace. After 1660, beside the august privy council, an informal foreign committee was established, containing a few of the greatest: it would seem that men called it the cabinet. Later on, without doubt, this epithet was frequently applied to a part of the council, the Committee of Foreign Affairs, which was definitely established in 1668. The extensive records of this body, long unnoticed, show that here Charles II did the governing of England.

Discontent increased and vain protests were made. So strong was the opposition that in 1679 the council was remodelled; and it is noteworthy that the reform consisted in reducing the number of councillors and promising that they should actually deal with the greater affairs. Either this promise was futile or not intended to be kept, for almost immediately important business was delivered to a part of it, the Committee of Intelligence, and afterwards allusions to the cabinet are so frequent that they come to be matter of course. After the accession of William there was bitter question in the house of commons, though one said very sensibly that all governments reduced their councils to a few: "*Holland* does; and the *French* King to three." Somewhat later parliament attempted to strengthen the privy council and make it responsible, such provisions being embodied in the Act of Settlement of 1701.

III.

None of these things availed. Throughout the Stuart period the power and importance of the council were waning. Clarendon's idea was that it should be the most sacred body in the realm and have the greatest authority, but he himself had taken some part in the smaller group superseding it. In 1667 Pepys declares that the councillors knew no more of the status of graver questions than he did; and for the last years of Charles II the Earl of Ailesbury describes the council as a place "where no matters of any consequence were debated but as the king pleases." William wished to restrict the membership, but Halifax assures us that here he committed a mistake, since double the number would have done no hurt; and an anonymous adviser wrote that ever since the time of Charles I the council was rather a place of honor than of use.

At length the privy council with its threescore members came to be a ceremonious body whose members participated less and less in the ordering and policy of the kingdom. Here was sanctioned the proroguing or dissolving of parliament or convocation, here were issued writs for new elections, proclamations, and orders of council; but invariably these things had first been decided upon elsewhere. Numerous routine matters were also dispatched; but during the eighteenth century they were dealt

with in the committee of the whole privy council, which meant substantially that the council was now such a shadow of what it had been that its business was delivered to a committee of such members as cared to attend.

Thus did the old English council of state decline from its ancient splendor and yield its importance to smaller bodies which arose beside it or came from itself. Charles I had the vague cabinet or junto, which now we can scarcely discern; Charles II the foreign committee, cabinet, or cabal; William had a cabinet, so far as he shared executive power with others; Anne and her successor had the cabinet and "lords of the committee of council." This last body, which is very difficult to understand, illustrates in a manner the connection between privy council and cabinet. Generally speaking, the smaller body was evolved from the larger, though not merely by compression of the whole into a committee, but also by the assembling of some of the important members in an exterior body apart. Here it would seem that when the select group of lords, all privy councillors, gave assistance and advice in the sovereign's presence, they were called cabinet; when these same members did work in such fashion that they conceived themselves primarily as privy councillors, whether assembled in the presence of the sovereign or not, they were the committee of council. For a time these two bodies, which in the days of Anne contained ten or more members, continued their activities in parallel development; or, more exactly, the same group of powerful leaders and expert officials, acting now as cabinet and now as committee of council, deliberated and decided the large affairs of state—questions of foreign policy, the management of parliament and the principal things to be done there, regulation of domestic matters, war and peace, treaties, and foreign relations; in other words, those things which had once been considered at the council board in the days of Burleigh and Cecil. "*C'est dans le conseil du cabinet que se traitent les affaires les plus secrètes,*" says a Frenchman of Marlborough's time.

IV.

The theme becomes simpler as it goes, and the latter part of the story must repeat some things of the first. New names

appear and pass, but always the idea is the same: the council of state becomes larger and less important, then loses its power to a smaller body, or part of itself.

During the early Hanoverian period the cabinet became the most important organ of government; but like many other things in English constitutional life it was not formally established, but merely mentioned by allusion or taken as matter of course. Sometimes pamphleteers in opposition expressly asserted that it had no legal existence: "It is observable," said one, "that our Constitution knows no such Assembly as a *Cabinet Council*." Sometimes this was affirmed in parliamentary debate. But English political leaders concerned themselves little with theory; and always the dominance of cabinets came to be greater and greater. The power obtained was that which kings had once wielded with the assistance of the subordinate privy council, and that which lords and commons still were struggling to win. Parliament was rendered subservient to ministers and crown by aristocratic management, places, and bribes; while the king yielded up his prerogative from the circumstances under which the Hanoverians came to the throne. The accession of George I had been possible because of his great ministers, and ministers were finding their principal relations now with parliament rather than sovereign. Moreover, George is said to have followed with some difficulty the proceedings of the cabinets which he attended, and he had small knowledge of English political practice and little sympathy with it. In 1717, therefore, he ceased to come; and though the presence of the king at rare intervals may be noted thereafter, the cabinet was now left substantially to the ministers who composed it. For a time the king retained much power in connection with cabinet business, but under the two first monarchs of this line most of it was gradually lost. William had once said that he fancied he was like a king in a play; but he remained master. George I, however, smiled when Lady Cowper reported the opinion that the ministers did everything; and his son told Hardwicke that the ministers were the king in the country.

At first membership in the cabinet depended altogether upon the king, and few were appointed, as one sees from the chance allusions which sometimes occur. In 1625 Walter Yonge says

that the king chose six of the nobility for his council of the cabinet. In the later years of Charles II Francis North declares that it contained seven. In 1701 Sunderland suggested ten great officials as having the right to be members because of their offices. Under Anne there were ten or more. In 1704 De Foe advised Harley to reduce the number; and a little after Bolingbroke declared that the queen much desired to restrict it. But slowly the increase went on. As before it had been found proper to reward influential politicians, noblemen widely connected, and useful officials of second rank, by inclusion in the privy council, until the gathering became ponderous and lacking in value, so now it was found difficult to withhold cabinet positions from some not at first comprehended. The Marquis of Normanby was angry and importunate when William did not invite him to be present at the smaller councils. Under George I there were fifteen members or more; in the reign of his son nearly twenty. Lady Cowper once spoke of the cabinet as a mob; and by the time of Newcastle and Pitt it was evident that the council of state was again too large to perform its functions. In 1761 Horace Walpole tells how the Duke of Leeds had been made "a cabinet counsellor, a rank that will soon become indistinct from Privy Counsellor by growing as numerous."

V.

Again ministerial power was grasped by a few. The place of the king was taken by a first or principal minister, who was compelled, however, to share the leadership with some of his principal associates. With regard to the cabinet they soon began to do what cabinet members had done in the days when the privy council was great: the select few met apart to discuss first and in secret affairs of the greatest importance, after which they communicated in cabinet meetings so much as they chose to divulge, for the purpose of receiving counsel or obtaining sanction for that which they wished to have done. There is early occurrence of such meetings, particularly the dinners recounted by Swift, at which Harley entertained his companions; and before this William had bidden Shrewsbury hold on particular occasion meetings smaller than the cabinet, "to be attended solely by the

great officers of the crown," of whom he made mention of five. As Walpole rose to premiership he gathered the leaders about him at his residence, and manuscripts of the period give many an instance more of such small assemblies at the residences of those who had principal power for the time. The secouncils were called "private meetings" by some of those who attended; but in course of time, it would seem, they were regarded as cabinets themselves. So the power of the administration was concentrated in the hands of six or more ministers of the greatest ability and importance, who held most of the cabinet meetings; but during all this time there were also fifteen or twenty members who came together less frequently for meetings of the cabinet likewise. To the smaller body particular epithets were applied: "committee of the cabinet council," perhaps, and about the middle of the century, "conciliabulum," often. Modern scholars have sometimes seen in this practice a double cabinet system. Substantially there is no great error in speaking of an inner cabinet and an outer; and it is well known that in 1775 Lord Mansfield declared to the lords, 'that there was a nominal, and an efficient cabinet.' Nevertheless, the spirit of these times is best realized, I think, if one conceives of a single cabinet, of which sometimes all the members were invited to attend, to the meetings of which most of them came, while usually a certain number of the leaders came together for most of the cabinet meetings.

VI.

During the latter part of this period old forces work on as before. Hervey says that at the death of George I, Walpole, his brother, and the two secretaries "were, properly speaking, the whole . . . administration." Thirty years later Newcastle proposed a conciliabulum to consist of five, while another has the number as six. But a contemporaneous list of the committee of cabinet council gives the names of ten; and in 1761 Hardwicke complained that meetings of those entrusted by the king with his most secret affairs "were now made up of as many Persons, as a whole Cabinet Council ought to consist of." Later on there was some tendency to reduce the number in the larger group. In 1782 Shelburne's cabinet numbered eleven. The Coalition Cabi-

net of the year following consisted of seven. After this time the conciliabulum or inner cabinet disappears.

Again in the nineteenth century the cycle revolves in repetition. During this time growing complexity of modern life and necessary enlargement of governmental activity increased the number of important departments, and in consequence the membership of the cabinet. Gradually the number rises to sixteen or seventeen; at the beginning of the twentieth century it had increased to a score; a small group was appearing within it.

So, the regimen once known to Buckingham and Charles I, seen later by Shaftesbury and the other Charles, and repeated with Sir Robert and George II, appeared yet again when Mr. Lloyd George demanded a small war council independent of a cabinet grown too large, and, failing this design easily brought to pass the downfall of the administration of Mr. Asquith.

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